

EXHIBIT 5

LAW OFFICES
HALEY, BADER & POTTS

4350 NORTH FAIRFAX DR., SUITE 900

ARLINGTON, VIRGINIA 22203-1633

TELEPHONE (703) 841-0808

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POST OFFICE BOX 19006

WASHINGTON, D.C. 20036-9006

TELEPHONE

(202) 331-0808

LEE W. SHUBERT
SUSAN H. ROSENAU

April 28, 1993

OUR FILE NO.
0992-102

A. Wray Fitch III, Esquire
Gammon & Grange
8280 Greensboro Drive
7th Floor
McLean, Virginia 22102-3807

Re: First Request for Production of
Supplemental Documents From
Moonbeam, Inc., MM Docket No. 93-42

Dear Wray:

Pursuant to Section 1.325 of the Commission's Rules, Moonbeam, Inc. ("Moonbeam") hereby responds to the First Request for Production of Supplemental Documents served April 15, 1993 by Gary Willson.

Request #	Response
1	Already produced.
2	None exist.
3	Already produced.
4	None exist.
5	None exist.
6	None exist.

Request #	Response
7	See below.
8	Already produced.
9	Already produced.
10	Already produced.
11	None exist.
12	None exist.
13	None exist.
14	See enclosed documents.
15	See below.
16	See below.
17	See below.
18	See below.
19	See below.
20	See below.
21	See below.
22	See below.
23	See below.
24	None exist.
25	None exist.
26-29	Moonbeam, Inc., its agents, employees and persons under their control do not have copies of the requested documents.

Supplemental Document Request No. 7

Objection: All documents in the possession or control of Moonbeam, its agents, principals and persons under their control responsive to the foregoing request are withheld pursuant to the attorney-client privilege and/or the work-product privilege, being communications between or among Moonbeam, Inc. and its attorneys, and containing one or more of the following: client confidences, legal advice, analysis, strategy or research. *WWOR, Inc.*, 5 FCC Rcd 6261, 6262 (1990). The documents thus withheld are identified as indicated on Attachment A hereto.

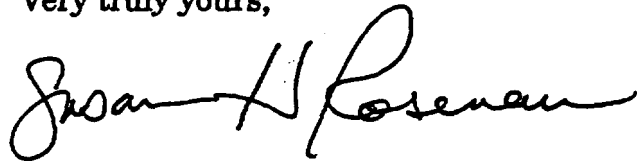
A. Wray Fitch III, Esquire
April 28, 1993
Page 4

Supplemental Request Nos. 22-23

Objection: See objection to Request Nos. 19-21. Mary F. Constant does not have an individual financial statement. Mr. Constant's financial statement is neither relevant to the hearing issues, nor likely to lead to the discovery of evidence relevant to any of the hearing issues, and is therefore not discoverable. 47 C.F.R. 1.311(b).

Moonbeam is, of course, willing to pursue a good-faith resolution of any disagreements regarding discovery. Please feel free to call if you wish to discuss this and other issues regarding discovery in this proceeding.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Susan H. Rosenau".

Lee W. Shubert
Susan H. Rosenau

Attorneys for Moonbeam, Inc.

Enclosures

cc: Moonbeam, Inc.
The Honorable Edward Luton
Larry Miller, Esquire :

EXHIBIT 6

Recording Requested By:
STATE OF CALIFORNIA
FRANCHISE TAX BOARD

92-099681

Total .00

When Recorded Mail To:

LIEN DESK
PO BOX 2952
SACRAMENTO, CA 95812-2952

Recorded
Official Records
County of
MARIN

JAMES DAL BON
Recorder

12:50pm 14-Dec-92

XJ 1



NOTICE OF STATE TAX LIEN

FILED WITH: COUNTY OF MARIN

CERTIFICATE NUMBER: 92343-000094

The Franchise Tax Board of the State of California hereby certifies that the following named taxpayer(s) is liable under Parts 10 or 11 of Division 2 of the Revenue and Taxation Code to the State of California for amounts due and required to be paid by said taxpayer as follows:

Name of Taxpayer: FREDERIC W & MARY F CONSTANT

FTB Account Number: 049320507CONS

Social Security Number: 049-38-0507(H)

BBB-72-1568(W)

Last Known Address: 11540 PETALUMA PT RE NICASIO

CA 94946

For Taxable Years: 1989

TAX	PENALTY	INTEREST	COLLECTION COSTS	PAYMENTS	* TOTAL
9,861.00	2,465.25	3,611.15	9.00	2,655.00CR	13,291.40

That further interest will accrue at the rate prescribed by law until paid; that the Franchise Tax Board of the State of California complied with all of the provisions of Parts 10 or 11 of Division 2 of the Revenue and Taxation Code of the State of California in computing, levying, determining and assessing the tax; that said amounts are due and payable and have not been paid. The lien attaches to all property and rights to such property now owned or later acquired by the taxpayer.

IN WITNESS WHEREOF the Franchise Tax Board of the State of California has duly authorized the undersigned to execute this Notice in its name.

By: 

Dated: 12/08/92

COLLECTION BUREAU
Telephone Number: (916) 369-4350

* Additional interest is accruing at the rate prescribed by law.

Group Ownership

W. Banta, 34%; Bert Lyon & Co., 24%. Hqs: Box 80011, Salinas, Calif. 93912. (408) 422-7484.

Community Service Radio Group Stns: 3 AM, 5 FM. KWHW(AM)-KRKZ(FM) Altus and KYFM(FM) Bartlesville, both Oklahoma; KDNT(AM) Denton, KZRK(FM) Gainesville, KTXJ(AM)-KWYX(FM) Jasper and KDXE(FM) Sulphur Springs, all Texas. Ownership: Galen O. Gilbert, Jesse Gilbert, Jimmy Young, Dave

Ownership: Edward K. Crecelius and Jerrold Lundquist. Hqs: Box 100, Jackson, Wyo. 83001. (307) 733-7773.

Criswell Center for Biblical Studies Stns: 6 FM, 1 SW. KSYE(FM) Frederick, Okla.; KAGN(FM) Abilene, KBUB(FM) Brownwood, KCBI (shortwave) and KCBI-FM Dallas, KTDN(FM) Palestine and KADE(FM) Weatherford, all Texas. (All 100% owned.) Hqs: Box 1809, Dallas 75211. (214) 954-4444.

The Cromwell Group Inc. Stns: 3 AM, 2 FM. WVLE(AM) and WGLO(FM) Pekin (Peoria), Ill.; WKCM(AM) Hawesville and WHRS(AM)-WFMI(FM) Winchester (Lexington), both Kentucky. (All 100%

Emily R. Dick, C. Arthur Dick. Hqs: 6711 Kingston Pike, Knoxville, Tenn. 37919. (615) 588-6511.

Dispatch Printing Co. Stns: 2 TV. WTHR(TV) Indianapolis; and WBNS-TV Columbus, Ohio. Executive: John Walton Wolfe, chmn of board. Ownership: Private, owned by Wolfe family, Columbus, Ohio. See Newspaper Crossownership. Hqs: 34 S. Third St., Columbus Ohio 43216.

Diversified Communications. Stns: 1 AM, 1 FM, 3 TV. WCJB(TV) Gainesville, Fla.; WABI-AM-TV and WYOU-FM Bangor, Me.; WCTI(TV) New Bern, N.C. WYOU(TV) Scranton, Pa.; and WPDE-TV Florence, S.C. (All 100% owned.) Executives: Harrell A. Hinton

Form 668 (Y)

999

Department of the Treasury - Internal Revenue Service

(Rev. January 1991)

Notice of Federal Tax Lien Under Internal Revenue Laws

District

Sacramento, CA

Serial Number

689224375

For Optional Use by Recording Office

As provided by sections 6321, 6322, and 6323 of the Internal Revenue Code, notice is given that taxes (including interest and penalties) have been assessed against the following-named taxpayer. Demand for payment of this liability has been made, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer CONSTANT COMMUNICATIONS COMPANY OF OREGON INC
a Corporation

Residence MARINSHIP YACHT HARBOR 1
SAUSALITO, CA 94965

IMPORTANT RELEASE INFORMATION: With respect to each assessment listed below, unless notice of lien is relied by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
940	12/31/88	93-0766003	05/27/91	06/26/01	11703.79
940	12/31/89	93-0766003	06/01/92	07/01/02	6729.18
92-064610 Recorded Official Records County of MARIN JAMES DAL BON Recorder 11:45am 17-Aug-92					Rec Fee 5.00 A.R. 5.00 IRS MS 1

Place of Filing

COUNTY RECORDER
MARIN COUNTY
SAN RAFAEL, CA 94903

Total \$

18432.97

This notice was prepared and signed at Sacramento, CA, on this,

the 11th day of August, 92.

Signature

for J. A. PHIPPS

ACS

Title

Chief Clerk
68-01-0000

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-468, 1971-2 C.B. 409)

Form 668 (Y) (Rev. 1-91)

Form 668 (Y)

999

Department of the Treasury - Internal Revenue Service

(Rev. January 1991)

Notice of Federal Tax Lien Under Internal Revenue Laws

District

Sacramento, CA

Serial Number

689224375

For Optional Use by Recording Office

As provided by sections 6321, 6322, and 6323 of the Internal Revenue Code, notice is given that taxes (including interest and penalties) have been assessed against the following-named taxpayer. Demand for payment of this liability has been made, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer **CONSTANT COMMUNICATIONS COMPANY OF OREGON INC**
a Corporation

Residence **MARINSHIP YACHT HARBOR 1**
SAUSALITO, CA 94965

IMPORTANT RELEASE INFORMATION: With respect to each assessment listed below, unless notice of lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
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Place of Filing

COUNTY RECORDER
MARIN COUNTY
SAN RAFAEL, CA 94903

Total \$

18432.97

This notice was prepared and signed at Sacramento, CA, on this,

the 11th day of August, 92.

EXHIBIT 7

Instructions for FCC 301
Application for Construction Permit for Commercial Broadcast Station
(FCC Form 301 attached)

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for authority to construct a new commercial AM, FM or TV broadcast station, or to make changes in the existing facilities of such a station. It consists of the following sections:

- I. GENERAL INFORMATION
- II. LEGAL QUALIFICATIONS
- III. FINANCIAL QUALIFICATIONS
- IV-A. PROGRAM SERVICE STATEMENT
- IV-B. INTEGRATION STATEMENT
- V. ENGINEERING DATA AND ANTENNA AND SITE INFORMATION
- VI. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM
- VII. CERTIFICATIONS

An applicant for change in facilities need file only Sections I, V and VII. Do not file Sections II, III, IV-A, IV-B and VI.

B. Many references to FCC Rules are made in this application form. Before filling it out, the applicant should have on hand and be familiar with current broadcast rules in 47 Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 17 "Construction, Marking and Lighting of Antenna Structure"
- (4) Part 73 "Radio Broadcast Services"

FCC Rules may be purchased from the Government Printing Office, Washington, D.C. 20402. You may telephone the GPO Order desk at (202) 783-3238 for current prices.

C. Prepare an original and two copies of this form and all exhibits. This application with all required exhibits should be filed with the Federal Communications Commission in the manner and at the location specified in 47 C.F.R. Section 0.401.

D. Public Notice Requirements:

- (1) 47 C.F.R. Section 73.3580 requires that applicants for construction permits for new broadcast stations and major changes in existing facilities (as defined in 47 C.F.R. Sections 73.3571(a)(1) (AM), 73.3572(a)(1) (television), or 73.3573(a)(1) (FM)) give local notice in a newspaper of general circulation in the community to which the station is licensed. This publication requirement also applies with respect to major amendments thereto as defined in 47 C.F.R. Sections 73.3571(b) (AM), 73.3572(b) (television), and 73.3573(b) (FM).
- (2) Completion of publication may occur within 30 days before or after tendering of the application. Compliance or intent to comply with the public notice requirements must be certified in Section VII of this application. The information that must be contained in the notice of filing is described in Paragraph (f) of 47 C.F.R. Section 73.3580. Proof of publication need not be filed with this application.

E. A copy of this completed application and all related documents shall be made available for inspection by the public, pursuant to 47 C.F.R. Section 73.3526.

F. Replies to questions in this form and the applicant's statements constitute representations on which the FCC will rely in considering the application. Thus, time and care should be devoted to all replies, which should reflect accurately the applicant's responsible consideration of the questions asked. Include all information called for by this application. If any portions of the application are not applicable, so state. Defective or incomplete applications will be returned without consideration. Furthermore, inadvertently accepted applications are also subject to dismissal.

applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guar-
donations, and capital investments. As used in Section III, "net liquid assets" means the lesser amount of the
current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess
current assets over current liabilities.

C. Documentation supporting the certification of financial qualifications need not be submitted with this application,
but must be available to the Commission upon request. The Commission encourages that all financial statements
used in the preparation of this application be prepared in accordance with generally accepted accounting

received by the applicant from any source.

- (b) For each person identified in response to Question 3, Section III, who has already furnished funds, purchased stock, extended credit, or guaranteed loans:

A copy of the agreement obligating the party to furnish funds showing the amount furnished, the rate of

EXHIBIT 8

**SUPPLEMENTAL DISCOVERY REQUEST WITH
RESPECT TO SECOND MOTION TO ENLARGE ISSUES**

including documents concerning the preparation of other documents.

5. "Or" means "and/or."

6. References to the masculine include references to the feminine.

7. "Principal" includes all persons who hold any portion of any class of stock, partnership interest or other ownership in the applicant, and all officers and directors of the applicant.

8. "Party to the application" is as defined in FCC Form 301.

9. This document request calls for production of all documents within the possession, custody, or control of the applicant, any of its principals, or agents or employees, or any party to its application, or any person under the control of any such party.

10. Each document produced should be identified by the number of the document request to which it is responsive.

11. If any document requested is currently unavailable, explain why it is not currently available.



13. This request is continuing in character, requiring supplemental responses if further or different documents are obtained during or after discovery in this proceeding.

14. "Applicant" refers to Moonbeam, Inc. and/or Mary Constant.

DOCUMENTS REQUESTED

1. All documents which reveal or relate to Mary Constant's current liabilities and/or assets.

2. All documents which reveal or relate to Mary Constant's liabilities and/or assets as of March 2, 1992.

3. All documents which reveal or relate to Mary Constant's liabilities and/or assets as of November 15, 1991.

4. Any and all agreements concerning the loan or provision of any funds to Moonbeam, Inc.

5. Any and all documents relating to any liens and/or judgments against Mary Constant and/or Moonbeam, Inc.

6. All documents relating to the cost of operating and constructing the proposed Calistoga, California FM station.

7. All documents relating to the cost of prosecuting Moonbeam, Inc.'s application.

OTHER DISCOVERY

If the requested issue is added, Willson also contemplates deposing Mary Constant.

CERTIFICATE OF SERVICE

I, George Culver, in the law offices of Gammon & Grange, hereby certify that I have sent, this 14th day of May 1993, by first-class, postage-prepaid, U.S. Mail, copies of the foregoing SECOND PETITION TO ENLARGE ISSUES to the following:

* The Honorable Edward Luton
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

Larry Miller, Esq.
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, DC 20554

Lee W. Shubert, Esq.
Susan H. Rosenau, Esq.
Haley, Bader & Potts
4350 North Fairfax Drive
Suite 900
Arlington, VA 22203-1633
(Counsel for Moonbeam, Inc.)


George Culver

* Hand Delivery